## **BOARD OF AUCTIONEERS MINUTES**

Legislative Office Building Room 307, Concord, NH September 10, 2012, 9:00 a.m.

- 1. The Board of Auctioneers convened at 9:10 a.m. with, Chairperson Frank L. Eaton, Vice-Chairperson Russell R. Abbott, Secretary Roy W. Tilsley, Member Richard C. Berman and Member Gregory J. Walsh present.
- 2. The Board on motion of Russell R. Abbott, seconded by, Roy W. Tilsley accepted the minutes of the August 6, 2012 meeting.
- 3. 9:15 a.m. Show Cause Notice of Appearance "In the Matter of James Horne". Mr. Horne failed to appear for the hearing. As a result, and on motion of Richard C. Berman, seconded by Roy W. Tilsley, Mr. Horne's license is hereby suspended until he complies with the Notice to Appear.
- 4. 9:45 a.m. Hearing: "In the Matter of John S. Pappas". The Board found Mr. Pappas in violation of RSA 311-B:11(d) for not providing an accounting of items sold to the consignor in a timely manner. As a result of the violation and on motion of Frank L. Eaton, seconded by Roy W. Tilsley, and with Richard C. Berman voting **no**, the Board's Decision regarding Mr. Pappas is a letter of reprimand and a fine of \$135.60 which is based on the commission of the sale. Conditionally, the fine will be stayed for six months, so long as Mr. Pappas has no further violations.
- 5. The Board on motion of Roy W. Tilsley, seconded by Richard C. Berman, authorized the application of Ersun Ficici for an Auctioneers License.
- 6. The Board on motion of Gregory J. Walsh, seconded by Roy W. Tilsley, and further on a roll call vote as follows: Frank L. Eaton yes, Richard C. Berman yes, Russell R. Abbott yes, Roy W. Tilsley yes, and Gregory J. Walsh yes, voted to go into non-public session to discuss matters under RSA 91-A, specifically, matters which would likely adversely affect the privacy of individuals and or matters in which litigation has been threatened against the Board.
- 7. The Board on motion of Roy W. Tilsley, seconded by Gregory J. Walsh voted to come out of non-public session.
- 8. The Board on motion of Richard C. Berman, seconded by Roy W. Tilsley, voted to appoint an investigator / prosecutor for the complaint made by Donald M. Pepin.
  - The Board on motion of Richard C. Berman, seconded by Gregory J. Walsh voted to appoint Roy W. Tilsley as investigator / prosecutor for the complaint made by Donald M. Pepin.

## 9. Further Business:

A. In the Matter of Peter E. Smith, a hearing held June 4, 2012 where the order stated: "IT IS ORDERED, THAT, The license of Peter E. Smith is hereby suspended for the period of 2 years. IT IS FURTHER ORDERED, THAT, Peter E. Smith pay a fine of \$1000 to the State of NH. IT IS FURTHER ORDERED THAT, Peter E. Smith, at his own expense, return all unsold items to the consignor/complainant. If Mr. Smith makes full restitution of all monies and property to the consignor/complainant within 60 calendar days of the receipt of this order, his license shall be reinstated at that time and placed on probationary status for the

remainder of the term, and \$750 of the fine due to the State of NH will be suspended for the duration of the license probationary period. If Mr. Smith does not make full restitution with the consignor/complainant within 60 calendar days of the receipt of this order, then the additional \$750 will be due to the state of NH and the license suspension shall remain in full force and effect for the entire 2 year period.

The consignor received check #11435 dated August 8, 2012 from Peter E. Smith Associates, which he tried to deposit on August 21, 2012 in the amount of \$2,805 for payment of consignment to which he was owed, however, the bank stamped the check NSF (non-sufficient funds), and the consignor is still due monies.

As such, Peter E. Smith is in violation of the Board's Decision and Order dated June 14, 2012, and therefore is ORDERED to pay the additional \$750 to the State of New Hampshire within 60 calendar days of the receipt of this order, and it is also ORDERED that the license of Peter E. Smith be suspended for the remainder of the 2 year period ending June 14, 2014.

- B. Board discussed rules.
- 10. The Board on motion of Roy W. Tilsley seconded by Russell R. Abbot then Adjourned at 12:35 p.m.

The next scheduled monthly meeting will be held October 1, 2012 at the Legislative Office Building, Room 307, Concord, New Hampshire.